



Town of Southern Shores

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Corrected

Town of Southern Shores

Council Meeting

July 7, 2009

7:00 P.M.-Pitts Center

The Southern Shores Town Council met on July 7, 2009 at the Pitts Center.

The following Council Members were present: Mayor Don Smith, Brian McDonald, Jodi Hess, Kevin Stroud and Jim Pfizenmayer.

Also present were: Charlie Read, Town Manager, Ben Gallop, Town Attorney and Carrie Gordin, Town Clerk.

Mayor Smith called the meeting to order at 7:00 p.m. led the Pledge of Allegiance and asked for a moment of silence for the seven troops killed as well as for all our troops serving around the world.

APPROVAL OF AGENDA

Mayor Smith moved to amend the agenda under Old Business to add an Item A. iv. as will be presented by Nancy Wendt, planning board chair. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

GENERAL PUBLIC COMMENT

Mayor Smith reported the town has received the CAMA Permit for the canal dredging project and then he opened the public comment section.

Rob Hawk, 97 Duck Woods Drive, stated in upcoming agenda items needing action i.e. the proposal to reduce the speed limit on NC12 from 45 to 35 mph he doesn't support this. He stated in the Transportation Committee recommendations it stated speeding is not a problem, congestion is and the cut-through traffic should be addressed. He feels reducing the speed will only encourage cut-through traffic. He doesn't know why the Transportation Committee is addressing issues on NC12 since it is a state owned road and it shouldn't be part of the town's plan. He asked why there is a truck weight ordinance if there is no problem. He agrees there should be weight limit posted for the bridges. He stated he feels the pedestrian crossovers signs create more danger and he doesn't support installing flashing lights at the crosswalks.

The Town Manager stated it has been reported that tour buses have been seen going through town.

Hearing no other comments Mayor Smith closed public comment.

Council Member McDonald moved to approve both sets of minutes as presented. Council Member Pfizenmayer seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

CONSENT AGENDA-None

REPORTS

Planning Board-June 15, 2009 (Planning Board and Planning Advisory Group) Reports

Nancy Wendt, chairman, stated the reports were previously addressed at the June 23 Council meeting. She stated Council acted on recommendations provided by the Wireless Committee, the CAMA Land Use Plan Committee, Financial Committee and recommendations changing the Planning Board Rules of Procedure. She stated Council will be reviewing several Statement of Works from the committees placed on the agenda with one of those items being wind generators (turbines).

She stated an inquiry has been made regarding the installation of a wind turbine in a residential area. She stated they were told the current zoning ordinance does not allow them at this time but the town is in the process of developing an ordinance. She stated the inquirer proceeded to put up the wind turbine anyway.

[Clerk's Note: A copy of the Planning Board Recap and the Planning Advisory Group report for June 15, 2009 is hereby attached as Exhibit A].

Southern Shores Volunteer Fire Department-None

Police Department

Chief Kole presented the monthly report. Mayor Smith stated when residents see a number like 1200 calls they think crime is up. He asked if a break down on what the calls actually are could be provided on the broadcast email. Chief Kole stated yes.

Southern Shores Civic Association (SSCA)

Leo Holland reported Sandy Sanderson, Paul Kapinos and others have been cleaning up the crossovers. The SSCA annual picnic will be held September 26 beginning at noon. He reported people are dumping debris at Hillcrest and at the Triangle Park and he would like to tell everyone not to dump there. He stated they had talked about putting a dumpster at Hillcrest but decided not to since people throw everything in it.

Chicahauk Property Owners Association (CPOA) - None

Canal Dredging Project

Tom Bennett, project manager, thanked Council for their support and the opportunity to be the project manager. He thanked Council Member Hess for pulling everything together and getting the spoil site. He stated there are still many steps in moving ahead on the project. The town needs the Army Corps of Engineers permit, a soil sediment permit and on and on. He stated the bid documents are being prepared and it is hoped they will be put out the end of July or first part of August and open the bids in September with dredging to begin in November. He stated preparation takes a long time but the perspective bidders are being notified early about the upcoming project. He stated canal users will be notified the first part of November or before.

Council Member McDonald asked what is going to be done about boat lifts. Mr. Bennett stated the town is not responsible for any damage. He stated there is a limit on the length of boat lifts and the dredging should not have an impact.

OLD BUSINESS

Planning Department-Transportation Committee

Bob Palombo, chairman, read each policy as recommended by the committee. Each policy had several action items to be discussed. It was decided that council would agree to accept or not the seven policies presented at this time.

Police Chief Kole as a member of the Transportation Committee stated he is looking out for the safety of the pedestrians and reducing the speed on NC12 is not to aid traffic congestion but to protect the pedestrians crossing to get to the beach. He stated it is better to be proactive than reactive. He stated he supports the vehicle weight limit restriction as proposed. He stated over time there will be costs associated with street maintenance.

The Town Manager stated he initially included in the weight limit ordinance to prohibit cut-through traffic but upon re-evaluating this issue he supports the draft ordinance as written. He stated the town's bridges need to be maintained and the town does not need tour buses (as reported) on the bridges or our town roads which is why the ordinance has been drafted.

Council Member Hess stated in looking at the classification of roads there may be other roads that need to be repaired before what is recommended. B. Palombo explained the major roads need work first and all things will be considered before a project is approved but prioritization is needed.

Council Member Hess stated she is concerned about the number of crossovers on NC12 and that accidents may happen due to the signage. She questioned why NCDOT put them there and asked did we ask them to or did they just do it.

Council Member Stroud stated he agrees with Council Member Hess and he doesn't think reducing the speed limit will help and he thinks it will encourage more cut-through traffic. He supports a cut-through ordinance. He would like to see the cross walk signage changed to read "yield to pedestrian within the crosswalk" like the other towns have posted. He suggested contacting DOT about getting different signs.

Mayor Smith stated the issue of lowering the speed limit on NC12 has been discussed before and at that time DOT recommended leaving the speed limit at 45mph. He does not support lowering the speed limit and stated it will cause more problems with tailgating.

Council Member Pfizenmayer stated slower traffic helps to protect the people crossing the road and they are using the crosswalks.

Council Member Stroud stated he supports the use of low speed vehicles and state law allows them. He would like to see them be able to use the multiuse path.

B. Palombo stated DOT does support lowering the speed limit up to Porpoise Run and an ordinance would be needed to allow the low speed vehicles on town streets.

Council Member McDonald stated he doesn't have a problem with the lower speed limit on NC12 but he would think there would be a problem if the low speed vehicles were allowed. He asked Chairman Wendt if she is asking Council to blanket approve the policy recommendations or to approve them individually. He stated the committee has put in a lot of preparation time and have done a great job but he is not ready to approve all of them at this time.

B. Palombo stated the committee has prepared the recommendations and it is Council's decision on what or not to approve.

Chairman Wendt stated there are a small number of policy statements (7). She asked if Council would approve them and then consider the actions at another time.

Council Member Hess stated she has issues with #3 storm water in that we already have addressed storm water when roads are bring rebuilt or repaired storm water issues are required to be part of the plan.

Chairman Wendt stated the storm water report was accepted by Council but no plan was put into place. She stated an ordinance is needed and a plan should be part of the Land Use Plan. She stated these storm water recommendations were presented to Council on June 11. She stated DOT will do some mitigation on NC 12 but the town need to be doing something first.

Council Member McDonald doesn't support more economic burden placed on a home owner at this time to mitigate storm water. He doesn't support requiring new home owners to deal with their storm water issues and not require those existing home owners who already have storm water problems to take care of their problems.

Alvin Rountree, Code Enforcement Administrator stated storm water has always been addressed in the state building code but has not been enforced here. He stated as each individual lot is addressed there will be less of a problem.

Council agreed to accept or not the seven policies as presented.

The Town Attorney commented that side walks or multi-use paths are part of the right-of-way not the road so low speed vehicles cannot be on them.

[Clerk's Note: A list of the Transportation policies with Council's consideration is hereby attached as Exhibit B].

Planning Department-Wind Generator Facilities Statement of Work

Chairman Wendt stated other towns are working on this issue and the town needs to be proactive and plan for the future. Upon Council's review of the recommendations they agreed to them as presented.

[Clerk's Note: The recommendations are hereby attached as Exhibit C].

Planning Department-Citizen Communications Statement of Work

Upon Council's review of the recommendations they agreed to them as presented.

[Clerk's Note: The recommendations are hereby attached as Exhibit D].

Planning Department-Financial Planning Recommendations

Chairman Wendt stated these recommendations are a white paper not the actual Capital Improvement Plan and Council reviewed these at the June 23 meeting which she was not in attendance. She stated the PAG has made two separate efforts for council to address.

The Town Manager stated at the June 23 meeting it was agreed to reactivate the CIP task force to review what was done and where we are. He stated this is a tool for him to use in developing future budgets.

He stated the CIP task force was a short lived entity to provide a product and there was a tremendous amount of work and time put into it. The development of a CIP/Capital Budget consisting of two teams will be a task for the manager to put together in the future.

Chairman Wendt stated once Council has read the email regarding the Planning Advisory Group request for citizen input they can forward their comments to the mayor.

[Clerk's Note: The recommendations are hereby attached as Exhibit E].

Selection process for planning board member/brochure

Chairman Wendt stated this issue has been dropped several time and asked if this is something Council wants to address.

Council Member Hess stated she doesn't want to complicate the process by having planning board members interviewing an applicant. She stated currently council looks at the submitted resume and they vote on someone.

Council Member Stroud stated he supports the planning board members interviewing a prospective applicant and it would be helpful to the applicant to know what too expect. He thinks it would be helpful to Council to have a recommendation from the planning board.

Mayor Smith agrees with Council Member Stroud and supports the selection process proposal.

Chairman Wendt stated currently the only requirements to being a planning board member are to be a town resident and the willingness to serve. She stated in the past appointments were made by what sequence an application was received.

Council Member Hess stated town staff could meet with the applicant and go over the duties and responsibilities. She stated she likes the idea of the brochure but would like to see some wording changes.

Chairman Wendt stated planning board members currently spend as many as 20-30 hours a month attending meetings and preparing for them.

Council agreed to the proposed selection process.

[Clerk's Note: The selection process is hereby attached as Exhibit F].

Town Parking Ticket Fee

Police Chief Kole requested Council consider decreasing the town's parking fee from \$50 to \$25.

Council consensus is to leave the fine at \$50.

NEW BUSINESS

Adopt New Town Code (re-codification)

The Town Attorney stated the town is in receipt of the newly re-codified town code. He stated the re-codification has gone through a long arduous process involving two attorneys, several councils and managers as well as staff. He stated it is a moving target re-codifying a moving target. He stated an ordinance to adopt the new town code is being presented to Council at this meeting and the ordinance will require a second reading for final approval. He explained the biggest change to the code other than formatting is removing the cable franchise ordinance.

He stated a town can no longer adopt a franchise so the language is not needed in the code. He stated council still has authority through the adopted cable franchise ordinance.

Council Member Hess stated she has read all the minutes and the ordinances in the past and she will look at the new town code. She doesn't feel comfortable approving something that she has not read.

Council agreed to place the re-codification approval ordinance on the August 4 council agenda for the second reading.

[Clerk's Note: Ordinance 2009-07-xx is hereby attached as Exhibit G].

Amend Town Code, Solid Waste-Licensing of Solid Waste Collectors-Draft Ordinance 2009-07-xx

The Town Attorney stated the recently approved Dare County Solid Waste Agreement included a specific clause addressing the licensing of haulers of the waste. He stated Dare County will still be the town's hauler. As part of that agreement the adoption of an ordinance (Hauler License Ordinance) is required and requires two readings for final approval. The Bertie Landfill operator is requiring this ordinance which they have prepared. This ordinance requires haulers in their respective entities to deliver their waste to Republic through the Dare County transfer station. When this ordinance is approved it will become part of the Town Code Solid Waste chapter. In accordance to Republic's contract approval of this ordinance requires two readings. At the time all participating municipalities have adopted the ordinance the tipping fee will be reduced. Republic has agreed to extend the adoption date of this ordinance until September 1, 2009.

Council agreed to place on the August 4, 2009 Council meeting agenda for the second reading and approval.

Council Member Hess asked, as noted in the ordinance, who is the authorized representative. It was suggested that she call Bobby Outten, Dare County Manager to answer any questions she may have.

[Clerk's Note: Ordinance 2009-07-xx is hereby attached as Exhibit H].

Amend Town Code, Traffic Regulations

The Town Manager read draft ordinance 2009-07-01 and he explained that vehicles over 10,000 pounds are allowed in town if they are on town business but otherwise they are prohibited from cutting through the town.

Lori Williams stated the ordinance does not specify buses. Chief Kole stated it is not necessary to specifically identify all the vehicles.

Council Member Hess moved to adopt ordinance. Council Member McDonald seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

[Clerk's Note: Ordinance 2009-07-01 is hereby attached as Exhibit I].

Phase I Environmental Assessment Scope of Service Contract-Quible

The Town Manager presented the Phase I Environmental Assessment Scope of Service Contract with Quible requesting council's approval. He stated this contract exceeds the amount the Town Manager is authorized to approve. He stated this contract is for the Stone property for the canal dredge spoil site. Council Member McDonald moved to approve the contract as presented and authorize the Town Manager to execute needed documents. Council Member Hess seconded.

The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

OTHER ITEMS

Town Manager

The Town Manager reported that due to an 8% employee health insurance increase for this year, Bonnie Swain, Finance Officer/Human Resource Officer, has been working on a way to save the Town money and keep employee benefits the same. The employee deductible increased from \$400 to \$1,000. The Town has purchased a secondary insurance plan with Key Benefits that is providing a Gap plan which will make up the difference in the increased deductible. By doing so the Gap plan picks up expenses before the insurance company does, which then lowers our usage and a savings will be had at renewal time. The employee has the same benefits as last year. This is a \$20 savings to the employee and a savings of \$8,000 in the FY 09-10 budget for the town.

He stated the purchase of two police vehicles were approved as part of the FY 2009-2010 and the town solicited RFP's from banking institutes for installment purchases. He stated RBC Bank responded with an interest rate of 3.96% and Southern Bank responded with an interest rate of 2.94%. He recommended Council approve the contract proposal with Southern Bank.

Council Member Pfizenmayer moved to approve the contract with Southern Bank for the purchase of two police vehicles and authorize the Town Manager and Finance Officer to execute needed documents. Council Member Hess seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

The Town Manager reported that the town purchased landscaping vegetation in the amount of \$300 for the E. Holly Trail cul-de-sac improvements with public works doing the planting. He stated if contracted out it would cost \$1,000.

He requested Council consider canceling the July 28 workshop meeting. Council agreed.

Town Attorney-None

Mayor

Mayor Smith stated as my term as Mayor ends this December I would like to take this opportunity to first thank my family, friends for all their support. I would also like to thank all our dedicated volunteers, town staff, town attorneys, town engineers, environmental consultant and the members of our council. During the last two years our nation's economy has eroded to its worst point since the great depression and while the economy on the outer banks has suffered as well your council with the help of volunteers and town staff has enabled the council to adopt our first comprehensive Capital Improvement Plan. As a team we've been successful in fighting the states legal challenges to the dredging project and together we've overcome other major obstacles to this vital project. Together we were successful in obtaining a mutually beneficial ten year contract with our outstanding fire department.

It has been an honor and a privilege to lead this team- a team that has become closer, more unified and more effective each day. Let me give an example of real team work. Brian McDonald, Charlie Read, George Wood, our attorney John Liddy and Myself traveled to Little Washington for our mediation meeting which was a huge success, next Kevin Stroud, Charlie Read and myself traveled to Raleigh to meet with Senator Basnights staff and our representative Tim Spears to discuss our canal project and our grant money, Jim Pfizenmayer has been working with the boat club and civic association while Jodie Hess negotiated with Frank Stone to obtain property to use as a dewatering location.

Recently a conference call with John Sutherland with {Denr} Department of environmental resources, Charlie, Bonnie, and myself to request an extension of our grant and again we were successful. I cannot stress enough the team work that has gone into this project and others.

During the past few months I have been struggling with the decision to run for another 4 years or not and I am humbled by many citizens contacting me and encouraging me to run for re election. In a recent conversation I was told things are going too well to change the members of council now and I agreed. Therefore, it is with humility and respect that I formally announce my candidacy for reelection as Mayor of Southern Shores. I believe that we have continuing challenges ahead and I cannot abandon the Town or Town Council without seeing these challenges through to their successful end- simply put I think we have a successful Council and an effective team and we should not be changing the makeup of Council in mid-stream and mid-project.

I promise to continue my zealous protection of fiscal restraint and personnel responsibility and finally doing everything to continue our team spirit. Thanks to all.

Council

Council Member Stroud asked the town manager to look into including the additional language to the crosswalks signs that he spoke of earlier. He stated he supports the mayor's candidacy. He is happy and a lot has been accomplished.

Council Member Pfizenmayer stated he feels we have a great council and everyone is working together. He is pleased the mayor is running again and he will support him.

Council Member Hess thanked Gerrie Sullivan on the email she drafted regarding the legislative bill turning over the toll authority to DOT which may jeopardize the construction of the Mid-Currituck Bridge as well as the toll authority board being changed to DOT members.

Gerrie Sullivan stated she forwarded a broadcast email to over 300 people on this issue and a letter will be prepared to send to all legislators. The town will provide the information in their broadcast email.

Council Member McDonald asked if there is anything that can be done about the trash cans being destroyed by the drivers slamming them down and the cans fall over and get ran over by cars. He asked if someone can call Dare County to let them know what the situation is.

He announced that he too would be running for re-election and feels council is working together. He wants to see the canal dredging project completed.

PUBLIC COMMENT-None

Hearing no other business Council Member Hess moved to adjourn at 9:45 p.m. Council Member Pfizenmayer seconded. The motion passed with Mayor Smith and Council Members McDonald, Hess, and Stroud and Pfizenmayer voting aye; no council member voting no and no Council Member absent.

ATTEST:



Respectfully submitted:


Carrie Gordin, Town Clerk

Exhibit A

To: Southern Shores Town Council

Copies: Town Manager (Charlie Read)

Town Staff (Pat Forrester, Carrie Gordon, Alvin Rountree, Merrie Smith, Bonnie Swain)

Planning Board (Mike Florez, Bill Gleason, Larry Lawhon, Bob Palombo, Jay Russell, Nancy Wendt, Sam Williams and ETJ Rep, Ed Overton)

From: Nancy Wendt, Planning Board Chair

Date: June 19, 2009

Re: Recap, Planning Board Meeting June 15, 2009

Attach: Proposed Statement-of-Work for Wind Turbines
Proposed Statement-of-Work for Citizen Communications

RECOMMENDED ACTIONS FOR THE TOWN COUNCIL:

CONFIRM Annual Election of Officers – the Board elected Jay Russell Vice Chair and Nancy Wendt Chair for the period of July 1, 2009 through June 30, 2010. These election results need to be confirmed by the Town Council.

APPROVE Statement-of-Work for Wind Turbines – Southern Shores has received an inquiry regarding the construction of a wind turbine within the RS 1 district. Consistent with increasing public interest in wind power, additional requests are expected. The proposed statement-of-work is to prepare a recommendation for Town Council consideration regarding where and under what conditions wind turbines should/should not be permitted within Southern Shores. (See attached RECAP, PAG Meeting June 15, 2009)

APPROVE Statement-of-Work for Citizen Communications Project – the Planning Advisory Group has been asked for a recommendation about how to strengthen communications between the town and its citizens. The proposed statement-of-work is to prepare this recommendation for Town Council consideration. (See attached RECAP, PAG Meeting June 15, 2009)

MEETING RECAP

- I. **CALL TO ORDER:** Chairperson Wendt called the meeting to order at 7:00pm. Planning Board Members Nancy Wendt, Jay Russell, Mike Florez, Bob Palombo and Sam Williams, alternate members Bill Gleason and Larry Lawhon, and ETJ Representative Ed Overton were present. Also in attendance was Executive Assistant Merrie Smith.
- II. **APPROVAL OF AGENDA:** Bob Palombo motioned to approve the agenda. Jay Russell seconded the motion. The motion passed unanimously.
- III. **APPROVAL OF MINUTES:**

Bob Palombo motioned to approve the Minutes from the May 18, 2009 Planning Board meeting. Sam Williams seconded the motion. The motion passed unanimously.

IV. PUBLIC COMMENT:

None

V. PERMIT APPLICATIONS NEW

None

Chairperson Wendt reported that she received a call from Alex Engart an architect inquiring on behalf of a potential applicant regarding construction of a wind turbine within the RS 1 district. Ms. Wendt confirmed that the current ordinance does not permit wind turbines. If Mr. Engart's client wishes to pursue this accessory use, the next step would be to file a permit application with a request for a special exception and/or a zoning text change.

Ms. Wendt distributed a DRAFT Statement-of-Work for the planning advisory group to research the subject of wind turbines and prepare a recommendation for the Planning Board and the Town Council to review. Discussion of the draft was deferred to the Planning Advisory Group meeting immediately following the Planning Board meeting.

VI. OTHER BUSINESS – OLD

None

VII. OTHER BUSINESS – NEW

Annual Election of Officers – Nancy Wendt asked if any of the seated members would like to serve as chair or vice chair for the next year. There were no volunteers.

Bob Palombo nominated Nancy Wendt for Chair. Sam Williams seconded the motion. Motion passed unanimously.

Bob Palombo nominated Jay Russell for Vice Chair. Mike Florez seconded the motion. Motion passed unanimously.

VIII. OTHER ITEMS

None

IX. ANNOUNCEMENTS:

Regularly scheduled meetings for the next month are:

July 7, 2009 at 3pm at the Pitts Center - CANCELLED
Planning Advisory Group working session

July 20, 2009 at 7pm at the Pitts Center Planning Board meeting

X. ADJOURNMENT:

The Planning Board meeting adjourned at 7:10 pm.

To: Southern Shores Town Council

Copies: Town Manager (Charlie Read)
Town Staff (Pat Forrester, Carrie Gordon, Alvin Rountree, Merrie Smith, Bonnie Swain)
Planning Board (Mike Florez, Bill Gleason, Larry Lawhon, Bob Palombo, Jay Russell, Nancy Wendt, Sam Williams and ETJ Rep, Ed Overton)

From: Nancy Wendt, Planning Board Chair

Date: June 19, 2009

Re: Recap, PAG Working Session June 15, 2009

Attach PAG Recommendations Summary Sheet from June 11, 2009
Citizen Comments June 11 Recommendations
SOW Wind Turbine DRAFT
SOW Citizen Communications DRAFT

PAG MEETING RECAP JUNE 15, 2009

The Planning Advisory Group met at 7:15pm following the Planning Board meeting on June 15, 2009. The following items were discussed.

JOINT MEETING WITH TOWN COUNCIL

The Town Council schedule for reviewing the June 11th PAG recommendations is as follows:

June 23rd 8:00am Pitts Center

- Wireless Recommendations
- CAMA LUP DRAFT Policies
- Financial Planning S.O.W.
- PB Rules of Procedure Revisions

July 7th 7:00pm Pitts Center

- Transportation Recommendations
- Cut through Traffic Recommendations
- Stormwater Recommendations

Larry Lawhon reported that the cellular carriers have been notified of the meeting on June 23 and that he expects at least one of the carriers to be in attendance.

PAG will provide summary sheets of its recommendations and of citizens comments to help the Council work through the list of recommendations. (See attached.)

BROADCAST REQUEST FOR CITIZEN COMMENTS

A request for citizen comments on the recommendations presented at the joint Planning Board and Town Council meeting on June 11th went out in the SS Broadcast dated June 12th. The group discussed the responses received to date (see attached.) The group agreed that these comments need to be acknowledged and that this effort needs to be coordinated through Merrie Smith's office. Nancy Wendt will work with Merrie to draft a reply and to determine appropriate next steps.

WIND TURBINES

Nancy Wendt reported that she received a call from Alex Engart an architect inquiring on behalf of potential applicants (Mr. and Mrs. James Millis) regarding construction of a wind turbine within the RS 1 district. Ms. Wendt confirmed that the current ordinance does not permit wind turbines. If Mr. Engart's client wishes to pursue this accessory use, the next step would be to file a permit application with a request for a special exception and/or a zoning text change.

The group discussed the subject of alternative energy and agreed that additional inquiries and permit applications are likely. The group discussed this need and developed the attached DRAFT Statement-of-Work to prepare a recommendation for Town Council and Planning Board consideration. Mike Florez will take the lead on this project.

CITIZEN COMMUNICATIONS

The Planning Advisory Group has been asked for recommendations about how to strengthen communications between the town and its citizens. The group discussed this request and developed the attached DRAFT statement-of-work to prepare a recommendation for Town Council consideration. Bob Palombo will take the lead on this project.

ANNOUNCEMENTS

The next regularly scheduled meeting of the Planning Advisory Group falls on July 6th, a town holiday. Rather than moving this meeting to the next business day as shown on the town schedule (July 7 at 3:00pm) this meeting is cancelled. The PAG will schedule whatever follow-up sessions are needed after the Town Council completes its review of the June 11 recommendations.

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Exhibit B

Transportation Recommendations

Transportation definitions-Classifications of roads-

TRANSPORTATION PLAN

PLANNING OBJECTIVE – To ensure that the Town’s system of roads and pathways provides for the safe and efficient movement of pedestrians, vehicles and emergency equipment within and through the Town of Southern Shores.

TRANSPORTATION DEFINITIONS

CLASS 1 Roadways – Primary collector roads that intersect with more than 2 other town roads and serve as the primary routes from one section of town to other sections.

Average Volume – 2,000 vehicles / day peak season

Right of Way – at least 60’ (need to evaluate impact based on existing ROW’s)

Paved Surface – at least 20’ wide; 10’ each direction if divided

Speed Limit – 25 MPH

Pedestrian Safety Zone – 4’ clear and flat either side of pavement or paved multi-use path parallels the road.

Roads in this class include:

S. Dogwood

E. Dogwood

Sea Oats Trail

Juniper-Trinite from R 158 to Chicahawk Trail

Wax Myrtle

Hillcrest

Hickory from Hillcrest to NC12

CLASS 2 Roadways – Secondary collector roads that intersect with more than 1 other town road and serve as the secondary routes within town.

Average Volume – 1,500 vehicles / day peak season

Right of Way – at least 45’ (need to evaluate impact based on existing ROW’s)

Paved Surface – at least 18’ wide; 9’ each direction if divided

Speed Limit – 25 MPH or less

Pedestrian Safety Zone – 4’ clear and flat either side of pavement or paved multi-use path parallels the road.

Roads in this class include:

All roads that are not Class 1 and not Class 3

CLASS 3 Roadways – Local access roads that connect to only 1 primary or secondary connector road or that have only 1 point of entry and exit.

Average Volume – 1,000 vehicles / day peak season

Right of Way – at least 30’ (need to evaluate impact based on existing ROW’s)

Paved Surface – at least 18’ wide; 9’ each direction if divided

Speed Limit – 25 MPH or less

Pedestrian Safety Zone – 4’ clear and flat either side of pavement

Roads in this class include:

All roads that are not Class 1 and not Class 2 **Accepted**

POLICY 1 – Construction and performance standards for all town owned roads shall be defined and evaluated according to the classification of each roadway. **Accepted**

POLICY 2 – Enact volume, weight and speed control measures on a permanent or seasonal basis as needed to ensure the safe and efficient movement of vehicles, emergency equipment, bicycles and pedestrians within and through town. **Accepted**

POLICY 3 – Prevent the pooling or collection of stormwater on or adjacent to town owned roadways.

Accepted

POLICY 4 – Design and build all multi-use pathways / walkways to follow an overall pattern that ties multi-use pathways and walkways together in a safe, inter-connected system. **Accepted as a concept.**

POLICY 5 – Limit the use of low speed vehicles within Southern Shores to vehicles. **Tabled**

POLICY 6 – Be proactive in educating residents, property owners, visitors and the business community regarding pedestrian, non-motorized and low speed vehicle access to and use of town owned roadways.

Accepted

POLICY 7 – Promote interconnectivity of roads within Town. **Accepted**

Exhibit C

SOUTHERN SHORES PLANNING BOARD Wind Facilities Plan - Statement-of-Work 6/15/09

PURPOSE OF WIND GENERATION FACILITIES PLAN FOR SOUTHERN SHORES

1. Provide Southern Shores with a clear and consistent policy framework and ordinance for making decisions on permit applications for public and/or private wind generation facilities.
2. Ensure that wind generation facilities in Southern Shores are sited, constructed and operated in a way that is:
 - a. Safe for residents, especially adjacent property owners
 - b. Encourages appropriate use of wind generation technology and products
 - c. Respectful of the aesthetic character of Southern Shores

WIND FACILITIES PLAN - STATEMENT-OF-WORK

1. PREPARE A WIND FACILITIES PLAN
 - a. Research wind generation technology, products, potentially negative impacts, mitigating actions & public safety considerations
 - b. Analyze current practices & ordinances in neighboring municipalities
 - c. Develop a plan which includes recommended policies and action items
 - d. Review plan for consistency with CAMA LUP and other LR Plans for Southern Shores
2. DRAFT A PROPOSED ORDINANCE
 - a. Define key terms
 - b. Specify which types of wind facilities qualify as accessory uses, permitted uses or conditional uses in each district
 - c. Specify the regulations and/or conditions that apply to the construction, operation and removal of wind generation facilities that are no longer in service in each district.
 - d. Outline the process for obtaining a permit and complying with any ongoing inspection requirements
 - e. Review DRAFT ordinance with Town Attorney
3. CONDUCT A "CITIZEN FORUM" ON WIND GENERATION FACILITIES
 - a. Sponsor a Town Workshop on the future of commercial and private wind generation
 - b. Present "wind generation overview" based on fact gathering & white paper
 - c. Present 1st draft of policies and action items
 - d. Present 1st draft of ordinance
 - e. Document citizen comments / concerns & revise drafts as appropriate

4. PRESENT WIND GENERATIONS RECOMMENDATIONS TO PLANNING BOARD
 - a. Summarize findings in a report (5 to 10 pages max) and briefing presentation.
 - b. Recommend next steps to develop & implement Wind Generation Plan
 - c. Planning Board votes; if majority vote is affirmative sent to TC with recommendation to schedule a public hearing and then to approve
5. PRESENT WIND GENERATION RECOMMENDATIONS TO TOWN COUNCIL

Exhibit D

SOUTHERN SHORES PLANNING BOARD Citizen Communications Plan - Statement-of-Work DRAFT 6/18/09

Citizen Communication

PURPOSE OF CITIZEN COMMUNICATIONS PLAN FOR SOUTHERN SHORES

3. Provide a clear and consistent framework regarding the role of citizens in municipal planning and decision making.
4. Identify options to engage citizens in the municipal planning and decision making processes and describe the resources required to implement each of them.
5. Recommend standard operating procedures for each type of citizen communications.
 - a. Disseminating information to citizens (e.g. announcements, news updates or calls for volunteers)
 - b. Building shared awareness and understanding (e.g. use of outreach workshops to gather citizen input or presentation workshops to inform citizens regarding recommendations prior to public hearings)
 - c. Determining the will of the majority (e.g. use of public opinion polls, surveys and/or ballot referendums to test public opinion on specific decisions or actions.)

CITIZEN COMMUNICATION PLAN - STATEMENT-OF-WORK

6. DEVELOP A CITIZEN COMMUNICATION PLAN
 - a. Research outreach options and the relative effectiveness of different tools and techniques for different types of citizen communications (town website, Southern Shores Broadcast, outreach workshops, presentation workshops, neighborhood groups & coffees, neighborhood teams, Mayor's Chats, Drop-By-Days at town hall, public opinion surveys & polling techniques, ballot referendums, etc.)
 - b. Review the communications practices of neighboring counties and municipalities
 - c. Develop a plan which includes policy statements, standard operating procedures and action items as needed.
7. CONDUCT A "CITIZEN FORUM" ON OUTREACH OPTIONS
 - a. Sponsor a Town Workshop on community outreach techniques
 - b. Present findings and an overview of other municipalities programs
 - c. Present DRAFT policies and action items
 - d. Solicit feedback & recruit volunteers as appropriate
 - e. Document citizen comments / concerns & revise plan accordingly
8. PRESENT COMMUNICATIONS PLAN RECOMMENDATIONS TO PLANNING BOARD
 - a. Summarize findings in a white paper (5 to 10 pages max) and briefing presentation.

- b. Recommend next steps to develop & implement a Citizen Communications Plan
- c. Planning Board votes; if majority vote is affirmative send to TC with recommendation to schedule a public hearing and then to approve

9. PRESENT OUTREACH PLAN RECOMMENDATIONS TO TOWN COUNCIL

Exhibit E

Financial Planning

PLANNING OBJECTIVE

Provide a framework for citizens, town staff and town council members to work together to make transparent, informed and effective financial decisions that result in:

- Balanced budgets
- A well integrated annual financial plan
- Municipal services that meet agreed to levels-of-services
- Progress in implementing proposed capital projects
- Adequate contingency and emergency reserves

FINANCIAL PLANNING PROJECT STATEMENT-OF-WORK

The overarching goal is that no decision is made in isolation and no single decision drives all other decisions (e.g., neither citizen desires for services nor Council's desire to maintain a given tax rate drives all other decisions.) Instead, citizens, staff and council members negotiate to determine the combination of taxing and spending decisions that reflects the wishes of the majority of citizens each year.

This project team is tasked with working with town staff to design an **annual planning process** that ensures that the combination of decisions for any given year (see the five decision categories below) reflects the will of the majority and is developed through open, transparent negotiation among all stakeholders. The process will establish the sequence and timing for negotiating each type of decision, the approach for establishing levels-of-service, the method for prioritizing proposed projects and the procedure for balancing revenues and expenses at the right level to fund service delivery and capital project priorities.

1. Financial Policy Decisions
 - a. Level of general fund reserves (percent of prior year's operating budget)
 - b. Planned transfers into / out of the general fund for each fiscal year
 - c. Annual guidance regarding funding sources (use of tax revenues, transfers out of reserves, grants, public-private partnerships, debt financing)
 - d. Ad valorem tax rate for the year including the planned allocation of tax revenues for operating expenses, capital projects and contributions to reserves.
2. Project Prioritization Decisions
 - a. Define how long range plans and proposed projects will be linked to the annual operating budget and capital budget
 - b. The nature of the need to be met e.g.,
 - Government mandates (Federal, NC and/or Dare County)
 - Police, Fire, Ocean Rescue & EMS
 - Other public health and safety requirements
 - Preserving / maintaining assets & infrastructure
 - Community amenities, quality of life & preserving the character of TOSS

- c. The urgency of the need and the potential consequences of different timing scenarios (fund now; defer for 1-2 years; defer for more than 2 years)
 - d. Method for evaluating the interdependencies and potential synergies for all proposed projects and capital expenditures
3. Capital Improvement Plan (CIP) Decisions
- a. Transportation section (roads, bridges, pathways and pedestrian safety projects)
 - b. Public Utilities section (water / wastewater investments / mandates from Dare County)
 - c. Stormwater Management section (projects required to monitor and improve stormwater runoff, absorption &/or water quality)
 - d. Canal Maintenance section (projects required to monitor & maintain canal system)
 - e. Parks & Recreation section (public / private partnership projects developed jointly with civic associations who's land / facilities are available for use by town residents)
 - f. General Public Improvements section (all other capital projects related to town buildings, public facilities, police protection, fire protection, emergency communications operations)
4. Municipal Services Decisions (define services & establish levels-of-service for each)
- a. Police protection – emergency calls, public safety, law enforcement, traffic control
 - b. Fire protection – emergency calls, fire prevention, fire suppression
 - c. Ocean rescue – emergency calls, beach patrols, lifeguard stations
 - d. Sanitation
 - Recycling – curbside collection, recycling center
 - Hazardous waste disposal – drop off / collection center
 - Trash Collection – weekly (winter) & bi-weekly (summer) curbside pickup
 - Solid waste / large item curbside pickup
 - Yard Waste – curbside pickup & chipping
 - e. Code Enforcement – permit applications, building inspections & fire inspections
 - f. Public Works – maintain buildings, landscaping, rights-of-way, traffic signage etc.
 - g. Parks & Recreation – public/private partnership projects with civic associations
 - h. Town Administration – operating town offices
5. Budgeting Decisions
- a. Annual guidance for recurring and non-recurring revenues
 - b. Operating expenses based on department expense requests
 - c. Capital expenses based on a comprehensive Capital Improvement Plan that includes all proposed projects ranked by importance & urgency
 - d. Emergency reserve needs based on alternative scenarios for the risks & consequences of major storm event

PRESENT RECOMMENDATIONS

PAG will summarize findings and present recommendations by 4th Quarter 2009

IMPLEMENTATION

If recommendations are adopted by the Town Council, the Town Staff will implement the new financial planning process beginning January 1, 2010

Exhibit F

Planning Board Selection Process

In the past it has not always been clear to the community how volunteers are selected to fill vacancies on the Planning Board and BOA. To eliminate confusion and to ensure a fair and impartial decision, the following process is suggested for your consideration.

1. Ask the Town Clerk to report on the status of any applications already on file from previous calls for volunteers before issuing a new call for volunteers. Create a list that includes the following information:
 - a. Who has applied and when (date that each application was received?)
 - b. Is each applicant still interested in serving on the Planning Board/BOA?
 - c. Does each applicant meet the criteria for the Planning Board/BOA?

The Town Ordinance stipulates that Planning Board members must be residents of Southern Shores. At this time residency and a willingness to serve are the only criteria for appointment to the Planning Board.

2. Assuming that all applicants meet the criteria, appoint the next applicant in line based on the date their application was received. This is the Council's current practice.
3. Town Council may wish to consider adding the following criteria / steps to the appointment process.
 - a. Require that each applicant have or be willing to invest the time to develop a working knowledge of the Town Ordinance and NC Land Use Law. This is not a trivial commitment.
 - b. Schedule an interview with two seated members of the Planning Board to clarify mutual expectations with the applicant. Volunteers, even long time residents, often do not have a clear understanding of what the Planning Board does or what is expected of Planning Board members in terms of time and effort.
 - c. Assess the consequences of appointing the next qualified candidate on the composition of the Planning Board. If the next qualified applicant maintains a balanced cross section of the community on the board, proceed with the appointment. If appointing the "next applicant in line" creates an imbalance among stakeholders, you may wish to move the second in line.

For example, if appointing the next qualified applicant results in three board members from the same street in town or from the same industry (all realtors or all developers) the balance on the board would be less representative of the community than if each member of the board came from a different section of town and a different industry.

Which ever steps you decide to include in your selection process, briefly describe the selection process at the Town Council meeting **before** you appoint the next alternate so that everyone understands why one qualified applicant was chosen over another. This decision needs to be transparent.

If you let us know which steps you wish to incorporate into your appointment process for the future, Carrie Gordin and Merrie Smith can work on the brochure that describes the different volunteer opportunities in town and the appointment process for each. Attached is a SAMPLE brochure that combines an application form with information about the different opportunities, expectations and appointment processes.

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE TOWN COUNCIL:

Section 1. The Code entitled "Code of Ordinances, Town of Southern Shores, North Carolina," published by Municipal Code Corporation, consisting of chapters 1 through 36, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before February 3, 2009, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished in accordance with Section 1-6 of the new code of ordinances. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the town may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention of the town to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances adopted after February 3, 2009, that amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall become effective _____.

Passed and adopted by the _____ this _____ day of _____, 2009.

Mayor

ATTEST:

Town Clerk

1st Reading: July 7, 2009

2nd Reading:

Council Action

Certificate of Adoption

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the town council, held on the _____ day of _____, 2009.

Town Clerk

Exhibit H

Solid Waste Hauler License Ordinance 2009-07-xx

Ordinance No. 2009-07-xx DRAFT

**AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL
AMENDING CHAPTER 8 SOLID WASTE**

A. Article I: Purpose

The purpose of this Ordinance is to amend the Town Code of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on October 2, 1979 and subsequently amended.

Article II. Amendment of Chapter 8 of the Town Code of Southern Shores

NOW THEREFORE, BE IT ORDAINED by the Town Council for the Town of Southern Shores, North Carolina that Chapter 8 of the Code of Ordinances of the Town of Southern Shores, North Carolina as now exists or as re-codified is hereby amended to add the following:

Sec. 8-21: Licensing of Solid Waste Collectors

(a) The following definitions shall apply to this Section.

Board: The Town Council for the Town of Southern Shores

Collection: The act of removing solid waste to the Transfer Stations or the Facility.

Facility: The East Carolina Environmental Landfill in Bertie County, North Carolina.

Person: Any individual, corporation, company, association, partnership, unit of local government, state agency, federal agency or other legal entity.

Solid waste: any solid wastes that may be disposed of in sanitary landfills, including, without limitation, garbage, refuse, trash and other discarded material, whether from residential, commercial, industrial or institutional sources, which wastes are typically found in household, commercial or municipal refuse.

Solid waste collector means any person who collects, transports or disposes of solid wastes for compensation, other than one who removes solid waste from his own premises.

Solid waste license or license means a license for the collection, transportation and disposal of solid waste pursuant to Section 2 of this article.

Transfer Stations means the following three transfer stations: Chowan/Gates/Perquimans Counties Transfer Station, Currituck County Transfer Station and Dare County Transfer Station.

(b) Solid waste license required.

It shall be unlawful for any person to engage in business as a solid waste collector within any area of the Town, without first having procured a solid waste license from the Board. All solid waste collectors within the Town shall dispose of all solid waste generated within any area of the Town at the Facility or the Transfer Stations.

(c) Application, issuance, revocation of license.

a) *Application.* All applicants for solid waste licenses shall file a written application with the Board's authorized representative and shall furnish the following information:

- 1) The name and address of the applicant, and whether the applicant is a sole proprietorship, corporation, partnership or other entity;
- 2) A list of the collection vehicles the applicant plans to use in the Town; and
- 3) Any other information the Board's authorized representative may reasonably request.

b) *Five-year license.* Solid waste licenses shall be issued for five-year periods. Licenses may be renewed with the information designated in subsection (a) of this section being presented to the Board's authorized representative at least thirty (30) days prior to the expiration of the existing and valid license.

c) *Selection of applicants; granting of licenses.* The Board's authorized representative shall review applications for solid waste licenses and license renewals, and shall issue licenses and renewals to applicants meeting the requirements of this article.

d) *Investigation of solid waste collectors prior to license issuance.* Before issuing a license pursuant to this article, the Board's authorized representative may inspect the facilities, equipment and solid waste collection vehicles the applicant plans to use in the solid waste collection business.

- 1) The Board's authorized representative shall issue the applicant a license when the Board's authorized representative determines that the application is complete and the applicant is in compliance with this article.
- 2) When a license is issued to a solid waste collector, the solid waste collector shall affix a sticker indicating that the solid waste collector has a valid license to all of its solid waste collection vehicles that are to be operated in the Town. The Board's authorized representative shall issue stickers to the solid waste collector at the time the license is issued. Licensees may obtain additional stickers from the Board's authorized representative.

DRAFT

- 3) If the Board's authorized representative denies an applicant a license, the applicant may request a hearing before the Board by giving written notice of appeal to the Town Manager within (5) five working days of receipt of the Board's authorized representative's decision denying the license. After a hearing on the appeal, the Board shall either affirm the denial or direct the Board's authorized representative to issue the license.
- e) *Revocation.* When the Board's authorized representative finds that a licensee has violated this article or the conditions of the license, the licensee shall receive written notice of the violation and be informed that if another violation occurs within (30) thirty-working days, or in the case of continuing violation if it is not corrected within (10) ten-working days, the license will be revoked. If another violation occurs within the (30) thirty-working day period, or if the continuing violation is not corrected within (10) ten-working days, the Board's authorized representative shall give the licensee written notice that the license is revoked. Upon receipt of the revocation, the licensee shall cease collecting, transporting or disposing of solid wastes in any area of the Town immediately. The Board's authorized representative may reinstate a revoked license after the revocation has been in effect for (30) thirty working days if the Board's authorized representative finds that the conditions causing the violation have been corrected. A licensee whose license has been revoked may appeal the revocation to the Board by giving written notice of the appeal to the Board's authorized representative within (5) five working days of receiving notice of revocation from the Board's authorized representative. After a hearing on the appeal, the Board shall either affirm the revocation or direct the Board's authorized representative to reinstate the license.
- (d) License fee.**
The licensee shall pay to the Town or its authorized representative, the sum set by the designated representative, not to exceed fifty dollars (\$50.00), for the issuance of the license, and the sum of one dollar (\$1.00) for each sticker to be affixed to each solid waste collection vehicle.
- (e) Non-transferability of licenses.**
Solid waste licenses are non-transferable and non-assignable.
- (f) Responsibilities of licensee.**
a) The licensee shall serve every person who contracts with it for solid waste collection in such a manner that the licensee does not cause the person to be in violation of this article.
b) The licensee shall dispose of all solid waste generated within any area of the Town at the Facility or the Transfer Stations.
c) A licensee shall submit an annual report to the Board's authorized representative containing the following information:
1) A list of the collection vehicles the licensee used in the Town during the reporting year;
2) The total amount of solid waste collected in the Town and the locations where the solid waste was disposed of during the reporting year;
3) A certification that all solid waste the license collected in the Town was disposed of at the Facility or the Transfer Stations; and
4) Any other information the Board's authorized representative may reasonably request.
- (g) Enforcement.**
a) *Penalty.* Any person who is found in violation of this article shall be subject to a civil penalty of not to exceed \$500.00 as provided in N.C.G.S. § 153-123. Each day's violation shall be treated as a separate offense.
b) *Remedies.* This article may be enforced by equitable remedies, and any unlawful condition existing or in violation of this article may be enforced by injunction and order of abatement in accordance with N.C.G.S. § 153A-123.

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Article III. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article IV: Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the ____ day of _____ 2009.

1st Reading

2nd Reading

S E A L

Don Smith, Mayor

ATTEST:

VOTE: ____ Aye __ Nay

Carrie Gordin, Town Clerk

Approved as to form:

Ben Gallop, Town Attorney

Exhibit I

Ordinance 2009-07-01- Vehicle Weight Limit Prohibited

Ordinance 2009-07-01

**AN ORDINANCE OF THE
SOUTHERN SHORES TOWN COUNCIL
AMENDING THE CODE OF ORDINANCE RELATING TO
TRAFFIC REGULATIONS**

Dare County, North Carolina

BE IT HEREBY ORDAINED by the Southern Shores Town Council as follows:

Article I: Purpose

The purpose of this Ordinance is to amend the Code of Ordinance of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on June 7, 1988 and subsequently amended.

Article II. Construction

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For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Town Code shall be shown in italics (*italics*).

Article III. Whereas due to the largely residential nature of the Town of Southern Shores, all of the local streets and bridges in the Town are residential streets (not major or minor thoroughfares) and they are constructed as such; they were not constructed to sustain large volumes of vehicular traffic nor heavy weight vehicular traffic. This does not include NC Highway 12, which is a NC State maintained thoroughfare.

Article IV. Amend Chapter 20, Article III to include Section 20-115-Vehicle Weight Limit Restriction

5-Ton Limit -No Through Truck Traffic Permitted On Town Maintained Streets

Motor vehicles in excess of 10,000 pounds prohibited.

- 1) No person, firm or corporation shall drive or operate or cause to be driven or operated a motor vehicle, including vans, trucks, tractors, tractor-trailer combinations, tractor-semi-trailer combinations having a total gross weight, including load, in excess of 10,000 pounds on, along or through any Town street, except as further provided in this section.
2. Vehicles specifically exempted. The following vehicles shall be exempt from the prohibition of this section:
 - a Emergency and municipal vehicles. Due to the nature of their work and the need for unhindered access to all Town streets, authorized emergency vehicles and vehicles owned or operated by a government or municipality, which would otherwise be regulated by this section, are hereby specifically exempt from application of this section. This shall include but is not limited to the following municipal/government vehicles: Fire vehicles, police vehicles, highway, sanitation and public works vehicles and vehicles of any agent of a municipality including school busses, contracted services such as tree service, provided that such vehicles are engaged in official municipal business within the Town of Southern Shores.
 - b) Recreation vehicles. Those vehicles commonly referred to as "recreational vehicles" or "RV's" and which would otherwise be regulated by this section, including but not limited to house coaches, motor homes, campers, and boat/jet ski trailer combinations.
3. Regulation of motor vehicles in excess of 10,000 pounds.
 - a) This section shall not be construed to prevent the service, delivery or pickup of merchandise or other property within the Town of Southern Shores from which such vehicles and combinations are otherwise excluded; provided the regulations and requirements of this section are complied with.

Through truck traffic in excess of 5-Tons is not permitted on the streets within the Town of Southern Shores and shall be designated with appropriate signage as a "No Thru Trucks over 5-Ton" sign.

This ordinance shall be in full force and effective upon adoption.

Adopted this ____ day ____, 2009.

S E A L

DRAFT

ATTEST:

Carrie Gordin, Town Clerk

Approved as to form:

Ben Gallop, Town Attorney

Don Smith, Mayor

Vote: ____ Aye ____ Nay